

AMENDED IN SENATE MAY 13, 2003

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 589

Introduced by ~~Senate~~ Committee on Rules

February 20, 2003

An act to add Section 1774.6 to the Government Code, relating to public officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, ~~Senate~~ Committee on Rules. Public officers: appointments.

Existing law prescribes the procedures for filling a vacancy in an office the appointment to which is vested in the Governor and subject to Senate confirmation. *Existing law requires the Governor, with respect to the appointment or reappointment by the Governor of a person to an office subject to confirmation by the Senate, to submit the name of the person appointed or reappointed to the Senate, or to the Secretary of the Senate, if the Senate is in recess or adjournment, within 60 days after the person first began performing the duties of the office, or as to a reappointment, within 90 days of the expiration of the term.*

This bill would provide, with respect to such an office in state government that is designated as an agency or department secretary, deputy secretary, director, or deputy director, that the Governor, prior to making an appointment, may fill the vacancy by granting a commission not subject to Senate confirmation for a term not to exceed six months, or until the office is filled by the prescribed procedure, whichever occurs first. *The bill would require the Governor to submit the name of the person commissioned to the Senate or the Secretary of*

the Senate, as specified. The bill would provide that this procedure may be used only once for any given office to fill a vacancy pending an appointment by the Governor that is subject to Senate confirmation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1774.6 is added to the Government
2 Code, to read:
3 1774.6. When an office in state government that is designated
4 as an agency or department secretary, deputy secretary, director,
5 or deputy director, the appointment to which is vested in the
6 Governor to fill with the advice and consent of the Senate, either
7 becomes vacant or the term of the incumbent thereof expires, the
8 Governor, prior to making an appointment pursuant to Section
9 1774, may fill the vacancy by granting a commission not subject
10 to Senate confirmation for a term not to exceed six months, or until
11 the office is filled by appointment pursuant to Section 1774,
12 whichever occurs first. *The Governor shall submit the name of the*
13 *person commissioned and the effective date of the commission to*
14 *the Senate, or if the Senate is in recess or has adjourned, to the*
15 *Secretary of the Senate, within 30 days after the person first began*
16 *performing the duties of the office.* If the office is not filled by
17 appointment pursuant to Section 1774 within six months of the
18 granting of the commission pursuant to this section, the person
19 granted the commission shall vacate the office and is ineligible to
20 be appointed to the office by the Governor for one year thereafter.
21 The Governor may utilize the procedure provided by this section
22 only once for any given office to fill a vacancy pending an
23 appointment to fill the office pursuant to Section 1774.

